



EUROPEAN
COMMISSION

Brussels, 18.5.2015
C(2015) 3189 final

COMMISSION DECISION

of 18.5.2015

**on a measure taken by Spain in accordance with Article 11 of Directive 2006/42/EC
prohibiting the placing on the market of an angle grinder, type Prostart/KPAG 0501**

(Text with EEA relevance)

COMMISSION DECISION

of 18.5.2015

on a measure taken by Spain in accordance with Article 11 of Directive 2006/42/EC prohibiting the placing on the market of an angle grinder, type Prostart/KPAG 0501

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC¹, and in particular Article 11 thereof,

Whereas:

- (1) In accordance with the procedure set out in Article 11 (2) of Directive 2006/42/EC, the Spanish authorities notified to the Commission a measure of prohibition of placing on the market of angle grinder type Prostart / KPAG manufactured by Yongkang Zhengda Industrial Co. tdd., 558 Great Wall East RD, Hardware- Tech. Industrial Zone, Yongkang Zhejiang 321300, China.
- (2) The product bore CE marking, according to Directive 2006/42/EC, having been tested according to harmonised standard EN 60745 – 1:2009 and EN 60745-1:2009/A11:2010 Hand-held motor-operated electric tools — Safety — Part 1: General requirements
- (3) The reason for the measure given by the Spanish authorities was the non-conformity with the following essential health and safety requirements set out in Annex I to Directive 2006/42/EC:
 - 1.3.2 – Risk of break up during operation:* The machine did not pass the resistance test, breaking the switch and the framework, with the consequent risk of losing control and the possibility of accessing to the active parts
 - 1.7.3 – Marking of machinery:* the nameplate of the machine does not show the address of the manufacturer, the year of the manufacture and warnings. Also the nameplate is adhesive, becoming detached easily.
 - 1.7.4.2 – Contents of instructions:* the instructions manual of the machine does not contain the address of the manufacturer and the security general advertisements are incomplete. Also there is a lack of information about the level of air noise and vibrations.
- (4) The notification was accompanied by an inspection report established by Laboratorio de Maquinas y Mecanismos, Madrid.
- (5) In accordance with the procedure set out in Article 11 (3) of Directive 2006/42/EC, the Commission wrote to the manufacturer and distributor inviting them to comment on the measure taken by the Spanish authorities. No reply was received.

¹ OJ L 157, 9.6.2006, p. 24.

- (6) Examination of the evidence provided by the Spanish authorities confirms that the angle grinder, type Prostatr / KPAG 0501 manufactured by by Yongkang Zhengda Industrial Co. tdd., 558 Great Wall East RD, Hardware- Tech. Industrial Zone, Yongkang Zhejiang 321300, China, fails to comply with the essential health and safety requirements of Directive 2006/42/EC and that this non-conformity gives rise to serious risks of injury to users,

HAS ADOPTED THIS DECISION:

Article 1

The measure taken by the Spanish authorities prohibiting the placing on the market of an angle grinder, type Prostart / KPAG 0501 manufactured by Yongkang Zhengda Industrial Co. tdd., 558 Great Wall East RD, Hardware- Tech. Industrial Zone, Yongkang Zhejiang 321300, China, is justified.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18.5.2015

For the Commission
Elżbieta BIENKOWSKA
Member of the Commission

